



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 10713246

Date: MAR. 12, 2021

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, a clinical medicine researcher and instructor, seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner qualified for classification as a member of the professions holding an advanced degree but that the Petitioner had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. Specifically, the Director concluded that the Petitioner did not establish he is well positioned to advance the proposed endeavor and that, on balance, it would be beneficial for the United States to waive the requirement of a job offer.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). We review the questions in this matter *de novo*. *See Matter of Christo's Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

Upon *de novo* review, we conclude that the record, including information submitted on appeal, establishes that the Petitioner is well positioned to advance the proposed endeavor of continuing his research in the field of clinical [redacted] medicine, focusing on maternal fetal medicine and clinical duties as an attending [redacted]. For example, letters from the chief of obstetric [redacted] at [redacted] University Medical Center; assistant professors of [redacted] at [redacted] University Medical Center and [redacted] University; an associate professor of [redacted] at [redacted] Medical School; and the vice president and executive director of research at [redacted] University, Japan, indicate the Petitioner is well positioned to advance the proposed endeavor. Similarly, the record establishes that the Petitioner has obtained funding for his research from the Bill and Melinda Gates Foundation; the Doris Duke Charitable Foundation; and the Japanese Ministry of Education, Culture, Sports, Science, and Technology, which indicates both interest in the proposed endeavor and the likelihood of the Petitioner to obtain sufficient financing.

Additionally, after reviewing the entire record we conclude that, on balance, it would be beneficial to the United States to waive the requirements of a job offer, and thus of a labor certification.

ORDER: The appeal is sustained.